UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,625	03/02/2006	Sebastien Bouat	B-5727PCT 622708-2	2264

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EXAMINER
PHUNG, LUAT

ART UNIT	PAPER NUMBER
2416	

NOTIFICATION DATE	DELIVERY MODE
04/02/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
	10/536,625	BOUAT, SEBASTIEN
Office Action Summary	Examiner	Art Unit	
	LUAT PHUNG	2616	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _02 March 2006_.
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
      closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-36_ is/are pending in the application.
      4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-36_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _26 May 2005_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
      Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
      Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
      a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).
      * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to because of the following.

Fig. 5, arrow between elements 502 and 506 should be reversed. Also,
conditional element 502 should be labeled with Yes and No.

Fig. 6, conditional elements 602 and 606 are missing the No labels.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in
reply to the Office action to avoid abandonment of the application. Any amended
replacement drawing sheet should include all of the figures appearing on the immediate
prior version of the sheet, even if only one figure is being amended. The figure or figure
number of an amended drawing should not be labeled as "amended." If a drawing figure
is to be canceled, the appropriate figure must be removed from the replacement sheet,
and where necessary, the remaining figures must be renumbered and appropriate
changes made to the brief description of the several views of the drawings for
consistency. Additional replacement sheets may be necessary to show the renumbering
of the remaining figures. Each drawing sheet submitted after the filing date of an
application must be labeled in the top margin as either "Replacement Sheet" or "New
Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,
the applicant will be notified and informed of any required corrective action in the next
Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2.   Claims 1, 4, 10-12, 17, 18, 28, 35, 36, etc. are objected to because of the

following informalities:

Regarding claims 1, 11, 12, 18, 28, 35 and 36, an objection is made to the use of

the word "should". This word constitutes optional language that does not further limit

this claim. Specifically, it is not known whether the limitations following this word are

necessary or optional.

Regarding claims 10 and 17, an objection is made to the use of the word "may

be". This phrase constitutes optional language that does not further limit this claim.

Specifically, it is not known whether the limitations following this word are necessary or

optional.

Regarding several claims, starting with claim 4, an objection is made to the use

of the word "adapted for". This phrase constitutes optional language that does not

further limit this claim. Specifically, it is not known whether the limitations following this

word are necessary or optional.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

4.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

     1.   Determining the scope and contents of the prior art.
     2.   Ascertaining the differences between the prior art and the claims at issue.
     3.   Resolving the level of ordinary skill in the pertinent art.
     4.   Considering objective evidence present in the application indicating
         obviousness or nonobviousness.

5.   Claims 1, 2, 4-6, 10-14, 18, 19, 21-23, 27-31, 35 and 36 are rejected under

U.S.C. 103(a) as being unpatentable over Iyer, et al (US Pub. 2004/0088418).

Regarding claims 1, 18 and 35, Iyer discloses a method of, and a system (Fig.

3, element 340A; Fig. 4, element 402) for, storing context information in an outgoing

message sent from a node using a protocol stack having at least one layer, comprising:

selectively indicating to a layer of the protocol stack that context information

should be obtained for that layer; (Fig. 4; para. 44; socket layer receiving instruction to

establish a redundant socket)

obtaining context information in accordance with the indication; (Fig. 4; para. 44;

socket layer including cookie in the message) and

adding the obtained context information to the outgoing message. (Fig. 4, 5;

para. 44, 45, 72; socket layer sending message with cookie and socket parameters)

Iyer further discloses sending a response message (Fig. 5; para. 45, 72). Iyer

discloses all of the subject matter except *such that a response to the message contains*

the context information. However Iyer discloses the cookie being used to complete the

associate between the socket layer on the active side with the socket on the standby

side. Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to include the cookie in the response in order to associate the active and standby sides.

Regarding claims 2 and 19, Iyer further discloses wherein the node is arranged in a high-availability configuration. (Fig. 4; para. 3)

Regarding claims 4 and 21, Iyer further discloses adapted for use with a message-based communications system. (para. 19, 27)

Regarding claims 5 and 22, Iyer further discloses wherein the step of obtaining context information is adapted for obtaining context information related to the outgoing message. (para. 44)

Regarding claims 6 and 23, Iyer further discloses wherein the step of adding the obtained context information is adapted for appending the context information to a separate field of the message. (para. 44)

Regarding claims 10 and 27, Iyer further discloses further comprising adding an indication associated with the obtained context data where it is determined that the context data may be inaccurate or incomplete. (para. 65)

Regarding claims 11, 28 and 36, Iyer discloses a method, and a system, of restoring the context information of a layer of a protocol stack of a node comprising:

receiving a message; (para. 54; standby-turned-active side detects switchover)

determining whether the context information of the layer should be restored; (para. 51; determining if application layer on standby side should be invoked) and

restoring the context of the layer using context information. (para. 54, 59, 62, 63; application layer on standby side woken up and switchover performed seamlessly)

Lau does not explicitly disclose:

where it is so determined, determining the presence of context information relevant to the layer within the message; and

context information from the message.

However Iyer discloses cookie being included in the message to uniquely identify the socket and to associate the two sockets on the active side and the standby side (para. 44, 45, 58). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to identify the context information via presence of the cookie in the message, in order to effect seamless switchover.

Regarding claims 12 and 29, Iyer further discloses wherein the step of determining is adapted for determining whether the context information of the layer should be restored based in part on the context information of the layer and in part on the received message. (para. 44, 50-54)

Regarding claims 13 and 30, Iyer further discloses wherein the step of determining further comprises checking the existence at the layer of context information associated with the received message. (para. 44, 50-54)

Regarding claims 14 and 31, Iyer further discloses wherein the step of determining further comprises checking whether the received message is an initial message. (para. 44-45)

6.   Claims 3, 7-9, 15-17, 20, 24-26 and 32-34 are rejected under U.S.C. 103(a) as

being unpatentable over Iyer, et al in view of Lau, et al (US Pub. 2003/0046604) or

Vasavada, et al (US Pub. 2004/0078619).

Regarding claims 3 and 20, Iyer discloses all of the subject matter as recited

previously in this office action except *wherein the outgoing message is sent from the*

node to a remote node across a network. However, redundant configuration including

active and standby nodes across a network is well known in the art. In particular Lau

from the same or similar fields of endeavor discloses an active control card

communicates over a communication such as Ethernet with a standby control card.

(Lau para. 24) Thus it would have been obvious to the person of ordinary skill in the art

at the time of the invention to configure the standby and active nodes of Iyer's network

in the remote arrangement suggested by Lau. The motivation for doing so would have

been to improve switchover in the event of failure.

Regarding claims 7-9, 15-17, 24-26 and 32-34, Iyer discloses all of the subject

matter as recited previously in this office action except:

        for use with a session initiation protocol (SIP) network, as recited in claims 7, 15,

24 and 32;

        wherein the step of adding the obtained context information is adapted for

appending the context information to a SIP TAG field, as recited in claims 8, 16, 25 and

33; and

wherein the step of adding the obtained context information is adapted for appending the context information to a SIP extension header, as recited in claims 9, 17, 26 and 34.

Lau or Vasavada from the same or similar fields of endeavor discloses implementing redundancy for MPLS and IS-IS protocols using the same base architecture (title, abstract). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to apply the redundancy system of Iyer, not only to TCP/UDP (Iyer, para. 10), but also for SIP by using the protocol-specific messaging to carry context information in order to facilitate high availability.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form 892).

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUAT PHUNG whose telephone number is (571) 270-3126. The examiner can normally be reached on M-Th 7:30 AM - 5:00 PM, F 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. P./

Examiner, Art Unit 2416

/Ricky Ngo/

Supervisory Patent Examiner, Art Unit 2416